

Readopt with amendment Ed 320, effective 7-16-16 (Document # 11139 Interim), to read as follows:

PART Ed 320 MANIFEST EDUCATIONAL HARDSHIP

Ed 320.01 Change of School Assignment.

~~(a) If a parent(s) or guardian thinks the attendance of a child may apply at to the school board of residence to~~ ***Any person having custody of the a child may change the child's school assignment if the person having custody thinks that the child's attendance at the assigned school will result in a manifest educational hardship to the child.; a parent or guardian A person having custody of said child may apply to the school board for a change of school assignment to:***

(1) Attend another public school ***or public academy*** in the same district; or

(2) Attend a public school ***or public academy*** in another district.

~~(b) In order to apply to the school board for a change of school assignment based on manifest educational hardship a parent To establish a manifest educational hardship, as set forth in (e)(1)-(3), the person having custody shall demonstrate that continued attendance at the assigned school will have a the detrimental or negative effect on the child's education. pupil if the pupil continues to attend the school to which he/she is assigned. The person having custody shall also demonstrate that another public school or public academy, either within the district or in another district, may reasonably meet the child's educational needs.~~

~~(c) If a school board determines that manifest educational hardship has been found, the school board shall issue a waiver of the school assignment and the student shall be reassigned to a reasonably available public school, in the district or in another district. Each school board shall establish a written policy, which authorizes the school board to act, with the recommendation of the superintendent, on an application to change a child's school assignment to another public school or public academy within the district or to request a change of assignment to a public school or public academy in another district when a manifest educational hardship has been demonstrated.~~

~~(d) Each school board shall establish a policy, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including, but not limited to, assignment to a public school in another district when manifest educational hardship is shown. Upon receipt of a request from a person having custody for a change of a child's school assignment based on a claim of a manifest educational hardship, the school board shall order a hearing within 30 days.~~

(e) The local school board shall issue a finding of manifest educational hardship if it determines that there is clear and convincing evidence that:

- (1) A substantial portion of a ~~pupil's~~ ***child's*** academic, physical, personal and social needs cannot be met by the assigned school or are not found within the student body of the assigned school;
- (2) ~~The assigned school's failure to meet the pupil's needs will impair the educational progress of the pupil~~ ***The attendance at the assigned school will impair the educational progress of the child;*** and
- (3) Another public school ***or public academy***, either within the district or in another district, may reasonably meet the ~~pupil's~~ ***child's*** educational needs.

(f) ~~If a parent or guardian is aggrieved by the decision of the school board, cooperative school board, or the authorized regional enrollment area receiving school board, he/she may appeal to the state board in accordance with the provisions of Ed 200.~~ ***If a school board determines that manifest educational hardship has been found, the school board shall issue a waiver of the school assignment and the child shall be reassigned to a reasonably available public school or public academy, in the district or in another district.***

(g) ***If a person having custody is aggrieved by the decision of the school board, he/she may appeal to the state board in accordance with the provisions of Ed 200.***

Rule	State or Federal Statute or Federal Regulation Implemented
Ed 320	RSA 193:3, I, II